

REMARKS**I. Status Of The Claims**

Claims 1-5 are pending in the present application. Claims 1-5 have been amended in the present Amendment and Response. No new matter has been added by these amendments.

**II. Objections To The Drawings**

The Examiner objected to the depiction of the light beam emitted from passing light 14 as shown in Figure 4, "because it is not clear how the light 'bends' toward axis A-A." Applicants respectfully submit that Figure 4 accurately depicts the light beam emitted from light 14. As shown in Figure 4, lighting unit 13 includes protective front glass 22 which is configured to refract the light beam emitted from passing light 14 such that when passing light 14 is pivoted as shown in Figure 4, the light beam emitted from the lighting unit takes the form shown in Figure 4. Applicants note that Figure 4 depicts one embodiment of the present invention and that other protective front glasses could be used to create different light beam forms emitted from the lighting unit.

**III. Objections To The Specification**

The disclosure of the present application was objected to because of informalities. These informalities have been corrected. Specifically, the references to "Figure 4" and "Figure 5" on page 6 of the specification have been amended to recite "Figure 5" and "Figure 6," respectively.

**III. Objections To The Claims**

Claims 1, 2, 4 and 5 were objected to for various informalities. These claims have been amended to correct the informalities.

**IV. Rejections Under 35 U.S.C. §103(a):**

Claims 1, 2 and 4 were rejected under 35 U.S.C. § 103(as) as being unpatentable over U.S. Publication No. 2002/0163814 to Hayami et al. (“Hayami”) in view of U.S. Patent No. 6,417,624 and FR 2797824 to Ito et al. (“Ito”). Specifically, the Examiner asserted that it would have been obvious to one of ordinary skill in the art to use the alternative low beam headlight of Ito in place of the auxiliary cruising headlight in Hayami to provide a vehicle lighting apparatus having an auxiliary headlight that produces a compensating lighting beam for a faulty passing headlight. Applicants respectfully traverse this rejection and submit that the Examiner’s proposed combination of Ito and Hayami in no way renders claims 1, 2 or 4 unpatentable for the following reasons.

First, applicants submit that there is no motivation to combine Hayami and Ito as proposed by the Examiner to achieve the invention of claims 1, 2 and 4. Hayami and Ito both disclose vehicle lighting systems having two main beam or high beam headlights and two passing beam or low beam headlights. The need for both sets of main beam headlights and passing beam headlights is conventional for vehicle lighting systems. The Examiner’s proposed combination of Hayami and Ito would result in a vehicle lighting system consisting of two sets of passing beam headlights and no main beam headlights. There is no teaching, disclosure or suggestion in Hayami which would lead one of ordinary skill in the art to abandon the conventional vehicle light system arrangement and eliminate the main beam headlights and replacing them with a redundant set of passing beam headlights as suggested by the Examiner. Further, the Examiner’s proposed combination is contrary to the teaching of Hayami and Ito as the second set of passing beam headlights would be susceptible to the same defects and failures of the primary set of passing beam headlights.

Second, applicants submit that the Examiner’s proposed combination of Hayami and Ito does not does not disclose, teach or suggest the lighting apparatus of claims

1, 2 or 4. As noted above, the Examiner's proposed combination of Hayami and Ito results in a vehicle lighting system having two sets of passing beam headlights. With regard to claim 1, the alternative low beam headlight of Ito does not produce both "an auxiliary regulation lighting beam" and "a compensating lighting beam which conforms to the passing light beam maximum permitted regulation photometric values above a horizontal longitudinal plane" as called for in this claim. With regard to claims 2 and 4, the alternative low beam headlights of Ito are not "cruising headlights which normally produce a regulation lighting beam for a cruising light."

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayami and Ito and further in view of U.S. Patent No. 3,643,082 to Fleury ("Fleury"). Claim 3 depends from claim 2 and is distinguished over Hayami, Ito and Fleury for the same reasons provided above that claims 1 and 2 are distinguished over Hayami and Ito. Namely, (1) there is no motivation in Hayami and Ito to make the combination proposed by the Examiner and (2) the Examiner's proposed combination of Hayami, Ito and Fleury does not disclose, teach or suggest the lighting apparatus recited in claim 3

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayami and Ito and further in view of U.S. Patent No. 5,833,345 to Ito ("Ito-2"). Claim 5 depends from claim 4 and is distinguished over Hayami, Ito and Ito-2 for the same reasons provided above that claims 1, 2 and 4 are distinguished over Hayami and Ito. Namely, (1) there is no motivation in Hayami, Ito and Ito-2 to make the combination proposed by the Examiner and (2) the Examiner's proposed combination of Hayami, Ito and Ito-2 does not disclose, teach or suggest the light apparatus recited in claim 5.

**CONCLUSION**

Applicants respectfully submit that the pending claims are patentable over the cited prior art and are in condition for allowance. Early and favorable examination on the merits is respectfully requested.

In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned attorney at the number provided below.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. **1948-4836**. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. **1948-4836**. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Respectfully submitted,  
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